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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/627,096	07/27/2000	Jun Ikegami	826.1613/JDH	1014

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EXAMINER

KIM, CHONG R

ART UNIT	PAPER NUMBER
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2623

DATE MAILED: 12/30/2003

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/627,096

Applicant(s)

IKEGAMI ET AL.

Examiner

Charles Kim

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 07 October 2003.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 4,7-13,17,20-22,24-26 and 29-39 is/are pending in the application.
- 4a) Of the above claim(s) 8,9,11-13,20-22,24-26 and 29-34 is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 4,7,10,17 and 35-39 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 07 October 2003 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. §§ 119 and 120

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
* See the attached detailed Office action for a list of the certified copies not received.
- 13) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application) since a specific reference was included in the first sentence of the specification or in an Application Data Sheet. 37 CFR 1.78.
a) ☐ The translation of the foreign language provisional application has been received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121 since a specific reference was included in the first sentence of the specification or in an Application Data Sheet. 37 CFR 1.78.

Attachment(s)

- 1) ☐ Notice of References Cited (PTO-892) 4) ☐ Interview Summary (PTO-413) Paper No(s). _____
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948) 5) ☐ Notice of Informal Patent Application (PTO-152)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s) _____ 6) ☐ Other: _____

DETAILED ACTION

Response to Amendment and Arguments

1. Applicant's amendment filed on October 7, 2003 has been entered and made of record.
2. In view of applicant's submitted drawings, the objection to the drawings are withdrawn.
3. In view of applicant's amendment, the 112 second paragraph rejections are withdrawn.
4. Applicant's arguments with respect to claims 7, 10, 17, 35-39 have been considered but are moot in view of the new ground(s) of rejection.

Claim Objections

5. Claims 4, 7, 10, 17, 35-39 are objected to because of grammatical errors. The phrase "identification information which comprises at least identification information for specifying order information for specifying a collection order of anatomical information" in lines 5-7 of claim 7 is grammatically incorrect. It appears that the applicant intended the phrase to read "identification information which comprises at least order information for specifying a collection order of anatomical information". Similar objections are applicable to claims 35 and 37. Appropriate correction is required.

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

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(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

6. Claims 7, 10, 35-38 are rejected under 35 U.S.C. 102(e) as being anticipated by Glass, U.S. Patent No. 6,553,494 ("Glass").

Referring to claim 7, Glass discloses an authentication device using anatomical information comprising:

- a. an anatomical information generating unit for generating anatomical information (biometric data) based on a collected image (col. 4, lines 40-46 and figure 1)
- b. an identification information generating unit generating identification information (token) which comprises at least order information (time stamp) for specifying a collection order of anatomical information generated in the anatomical information generating unit (col. 2, lines 31-37 and col. 4, lines 50-56)
- c. a collation information generating unit generating collation information by combining anatomical information (biometric data) and the identification information (token) [col. 4, lines 57-65, more specifically lines 60-63. Note that the "unencrypted digital signature" (36) is interpreted as the collation information, see figure 1].

Referring to claim 10, Glass further discloses that the anatomical information (biometric data) and the identification information (token) are encrypted (col. 4, lines 57-65, more specifically lines 60-65 and figure 1).

Referring to claims 35 and 37, see the rejection of at least claim 7 above.

Referring to claims 36 and 38, see the rejection of at least claim 10 above.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

7. Claims 4, 17, 39 are rejected under 35 U.S.C. 103(a) as being unpatentable over the combination of Glass, U.S. Patent No. 6,553,494 ("Glass") and Larsson, PCT Publication WO 99/00720 ("Larsson").

Referring to claim 4, Glass explains that the anatomical information can be communicated through a telecommunication network (figure 4). However, Glass fails to teach that a new piece of identification information is added to the anatomical information every time the anatomical information passes through a different device.

Larsson teaches a system wherein authentication data is communicated through a number of different relay devices in a telecommunication network (page 9, lines 29-31 and figure 3). Larsson explains that a new piece of identification information is added to the data each time the data passes through a different relay device, in order to provide a secure communication (page 10, lines 2-6).

Glass and Larsson are both concerned with authentication devices in a network environment. Larsson provides a highly secure network for communication of authentication data, which prevents unauthorized access and provides the ability to detect and track down unauthorized users (Larsson, page 6, lines 4-11). Therefore, it would have been obvious to

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modify the system of Glass so that a new piece of identification information is added to the anatomical information every time the anatomical information passes through a different device, as taught by Larsson, in order to increase the security of the system, thereby enhancing the authentication process.

Referring to claims 17 and 39, see the rejection of at least claim 4 above.

Conclusion

8. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than **SIX MONTHS** from the date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Charles Kim whose telephone number is 703-306-4038. The

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examiner can normally be reached on Mon thru Thurs 8:30am to 6pm and alternating Fri 9:30am to 6pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Amelia Au can be reached on 703-308-6604. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is 703-306-0377.



ck

December 16, 2003



AMELIA M. AU
SUPERVISORY PATENT EXAMINER
TECHNOLOGY CENTER 2600